

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BESSEMER SYSTEM FEDERAL CREDIT
UNION, on behalf of itself and its members,**

Plaintiff,

vs.

Case No. 2:19-cv-00624-RJC

**FISERV SOLUTIONS, LLC, f/k/a FISERV
SOLUTIONS, INC., and FISERV, INC.,**

Defendants.

**BESSEMER'S OPPOSITION TO FISERV'S MOTION FOR LEAVE TO FILE
CONSOLIDATED MEMORANDUM OF LAW IN OPPOSITION TO BESSEMER'S
DISCOVERY MOTIONS**

Plaintiff Bessemer System Federal Credit Union, a federally chartered not-for-profit credit union ("Bessemer"), opposes Defendants Fiserv Solutions, LLC, f/k/a Fiserv Solutions, Inc., and Fiserv, Inc.'s (together, "Fiserv") request to file consolidated briefs in opposition to pending discovery motions (Dkts. 154-168).

1. During the pre-motion conference held before the Court on December 14, 2021, the Court referenced Bessemer's pending motion to appoint a Special Master (Dkt. 132) and advised that the Court would evaluate referral of discovery motions to a Special Master on a per-motion basis, in the event one is appointed. Therefore, Fiserv's request to combine certain discovery briefs (but not one other) would undermine the efficient management of this case and interfere with the referral of discovery disputes to the Special Master.

2. Moreover, Fiserv's request runs afoul of the Local Rules of the Western District of Pennsylvania and this Court's Standing Order and Procedures on Civil Motion Practice. Pursuant to Local Civil Rule 5.1(F) and 5.1(G), each motion and each brief shall be submitted in a separate

document, unless good cause is shown. In addition, Rule 4 of the Court's Standing Order requires an opposing party to file a separate response to every motion. Here, no good cause exists for Fiserv to deviate from the Local Rules and the Court's Standing Order.

WHEREFORE, Bessemer respectfully requests that the Court deny Fiserv's motion and require that Fiserv's briefs be submitted in accordance with the Local Rules and the Court's Standing Order.

Dated: February 18, 2022

Respectfully submitted,

Charles J. Nerko (NY 4764338)
Benjamin M. Wilkinson (NY 4927661)
Sarah A. O'Brien (*pro hac vice* to be filed)
BARCLAY DAMON LLP
80 State Street
Albany, NY 10020
(518) 429-4200
cnerko@barclaydamon.com
bwilkinson@barclaydamon.com
sobrien@barclaydamon.com

/s/ Charles J. Nerko
Richard J. Parks (PA 40477)
PIETRAGALLO, GORDON, ALFANO,
BOSICK & RASPANTI, LLP
7 West State Street, Suite 100
Sharon, PA 16146
(724) 981-1397
rjp@pietragallo.com

Counsel for Plaintiff
Bessemer System Federal Credit Union